

REMARKS

The undersigned wishes to thank Examiner Shechtman for the courtesy extended during the interview conducted by telephone on March 12, 2009. A separate record of the substance of this interview is contained in the remarks that follow.

Claims 1 and 5 remain in the application. Claims 2-4 and 6-13 are now canceled, and new claim 14 is added above. Reconsideration of the application is requested.

Support for the language of new claim 14 is considered to appear, for example, in lines 1-12 on page 43 of the specification.

The comments provided in section 1 on page 2 of the Office Action are noted. It is respectfully submitted, however, that the invention now claimed is presently described by the specification in terms that are sufficiently full, clear, concise, and exact as to comply with the requirements of 35 U.S.C. § 112, first paragraph, and the specification has not been modified.

The issue raised by the Examiner in section 2 on page 2 of the Office Action is addressed by way of the claim amendments above.

Claim 1 is amended in the manner discussed during the interview, no longer recites lead-time shifting, and incorporates limitations appearing previously in claim 4 as proposed during the interview. The language identified by the Examiner in sections 3-5 on pages 3-5 of the Office Action is eliminated, the presently claimed invention should be enabled by the originally filed specification, and the rejections under 35 U.S.C. § 112, first paragraph, should be withdrawn.

The claim amendments above are made following consideration of the comments provided by the Examiner in section 6 on pages 6-9 of the Office Action. It is respectfully submitted that the claims now in the application comply with the requirements of 35 U.S.C. § 112, second paragraph.

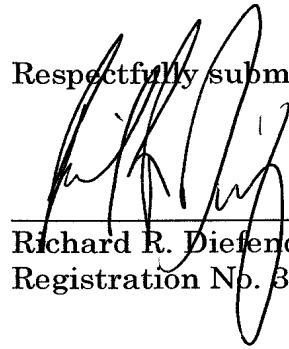
Independent claim 1 is rejected under 35 U.S.C. § 102(b), along with claim 5 and several now-canceled claims, as anticipated by either German patent document 19902056 C1 to Daferner or U.S. Patent 6,546,302 to Bergeon. Reconsideration is requested.

Claim 1 above reflects features represented, for example, in Figure 3 and discussed in the associated section of the specification (see, for example, page 17, line 19 to page 20, line 27). While the discussion provided by the Bergeon patent specification is noted, as argued during the interview, the Bergeon patent does not have a processing unit that operates to output an optimum building sequence in the manner now particularly defined by claim 1. It is respectfully submitted that the Daferner publication also lacks such a processing unit. Consequently, it is further submitted that the anticipation rejections of claim 1 as it appears above are not now applicable. Nothing noted by the Examiner suggests modifying either the Bergeon or the Daferner arrangement in such a way that it would meet the processing unit limitations now in claim 1, moreover, and it is further submitted that claim 1 is patentable. All other claims now in this application are dependent claims and should be patentable as well.

This application should now be in allowable condition. If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #056205.55398US).

Respectfully submitted,



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